

Dear Chairperson Michael K. Powell,

I had the privilege of attending the Localism hearing which took place in Monterey, California on July 21, 2004. However, I was not able to submit testimony during the open microphone session and therefore would like to submit my comments electronically.

I am the Executive Director of the Deaf and Hard of Hearing Service Center, Inc. and am also serving on the Board of the California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc. (CCASDHH). CCASDHH is comprised of 8 agencies serving deaf and hard of hearing throughout the state of California as well as the California Association of the Deaf, a statewide membership organization. Between the eight deaf service agencies, we serve and represent about 3 million deaf and hard of hearing individuals living in California.

Our specific concern that we would like the FCC to consider at this time is related to the issue of televised broadcasting networks providing quality and consistent closed captioning for all broadcasts, national and local. At this time the quality and consistency of captioning is minimal at best. The FCC issued a mandate for all broadcasts, including the news, live, and emergency broadcasts as well as regular TV programming, to be captioned by 2006. It is now July of 2004, and our networks are far from being compliant with this Federal Government mandate.

This mandate was issued as it relates to broadcasting at national, state, and local levels. As you already know, the events that happen at the national level often affects the events that occur at the local level. Deaf and hard of hearing are interested in and have a right to know about Presidential, gubernatorial, and local mayoral elections, just as much as about war updates, local conflicts, as well as national education and legislative issues, and concerns about local school districts. We, deaf and hard of hearing want to know what is happening at all levels, and have a protected right as such. Captioned programs allow us to be educated, entertained, and inspired in the same way as our hearing counterparts.

Since the current issue before the Commission is on localism, allow me to present to you and the Commission a few examples of what deaf and hard of hearing individuals encounter when viewing televised broadcasts:

1. Most news stations are using the text that is inputted into the teleprompter as their caption text. While at times the information is clear, the person reading the text on their television screen is also getting words such as... "<tease>, <split screen>, <camera to Stef>, <live update... this story is not captioned>" and many other news jargon.
2. Sometimes the captioning is provided however, the speed at which the words come across the screen are too fast for even a speed reader to catch or are so behind that we lose half of the message when the news breaks for a commercial.
3. Live reports and emergency reports made during the news or as a special broadcast rarely have captioning. We are given minimal information as part of the general broadcast. For example, imagine

looking at your screen and you see a camera shot of the crosstreets to where your child goes to school. They are showing the school, a fire truck and an ambulance. You see a person talking, sharing what has happened in that area, but you have no idea what has happened because there is no captioning. You don't know if something has happened at the school itself or in that area, you don't know if it is a fire, a homicide, if there is a tiger on the loose in the area, if a child that has been abducted, or there was just a special event at the school earlier today. For emergency reports such as snow, earthquakes, and thunderstorms, we often miss important information such as offices that are closed, schools that are closed, and other information that is needed to avoid being exposed to further danger.

4. At times a ticker tape is used to inform the viewers of what is happening in their local area. The ticker tape tends to run on the bottom of the screen. However, this occurs behind the caption box and therefore the viewer is not able to read the information. When a ticker tape is used the caption box needs to move to the top of the screen while the ticker runs on the bottom or vice versa, so that the deaf or hard of hearing viewer gets all of the information just as their hearing peers do.

5. Weather reports are rarely captioned. In addition, much of the reporting is done off screen, therefore, even people who can lip-read the flat faces of TV anchorpersons are not able to receive any information. Again weather information is just as important as the local news for individuals who are making travel plans and/or have family and friends living in other areas affected by adverse weather conditions.

6. Another tendency that is taking place with local networks is that usually before the 11:00 p.m. news comes on, there is a prompt to welcome the public to the news broadcast. The prompt usually starts about 10:50 p.m. Because of this, the caption from the 10:00 program is interrupted and never comes back on again. Therefore the person watching the 10:00 program often misses the end of the show, which is usually the most climatic portion of the hour-long program.

At the localism hearing, Commissioners were asked to consider whether the public is deserving of receiving information. I would like to ask the same thing. We, the deaf and hard of hearing public, are just as deserving of receiving information as our hearing peers. The general public gets the option of watching whatever they want to watch. The deaf and hard of hearing public gets the option of watching only what has been made accessible to us by way of captioning. Commissioners were asked to remember the true definition of free speech and the First Amendment. I ask you to remember that we cannot benefit from the privileges of free speech without free (full) access. Until we have full access then we are not equal.

People in favor of localism ask for quality reporting. We too want quality reporting and for us to benefit from such we do require quality access. The quality of captioning is already at a low point. If the efforts of localism would mean that the quality of captioning services will continue to deteriorate, then I do ask the Commission to reconsider this initiative. Remember that we need quality captioning at both the national and local levels.

Your public is asking the Commission to remember that the whole purpose of the local news is to disseminate information to the general public which empowers the citizens and residents to make informed decisions. In so doing, our broadcasters are able to invite local accountability. Deaf and hard of hearing citizens and residents want to and have the right to also be empowered to make informed decisions and also have the right to participate in local accountability. Our hearing peers have the choice of listening to the radio if they don't get the information they are looking for on the television. We don't have that choice. The television is our lifeline to information and information is our lifeline to leading self-sufficient lives. Help us make our lifeline stronger by monitoring and enforcing the mandates that you have already set forth as it relates to captioning for news and regular televised programs.

Therefore, we ask you, Chairman Powell, to let your deaf and hard of hearing residents and citizens of the United States know that we are indeed equals. You can do this by taking leadership as our Commissioner, to take the necessary action to ensure that this mandate is in effect and to establish a system by which to enforce its compliance. At this time enforcement is not taking place; therefore the FCC is denying our equal access as already dictated by this federal mandate.

In January of 2004, we were alerted to the possibility of the US government cutting captioning from 200 national programs. CCASDHH, along with many other consumer-based organizations and advocates, vehemently opposed these cuts. If the commission allows such an action at the nation level, with a guaranteed large scale negative impact, what kind of message does that type of action send to our local broadcasting networks?

The message at the national and local levels needs to be one and same. Free speech and free (full) access for all!

Sincerely,

Rosemary W. Diaz
Secretary
CCASDHH